

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

NORTH CAROLINA A. PHILIP)
RANDOLPH INSTITUTE and)
ACTION NC,)

Plaintiffs,)

v.)

THE NORTH CAROLINA STATE)
BOARD OF ELECTIONS; DAMON)
CIRCOSTA, in his official capacity as)
CHAIR OF THE STATE BOARD OF)
ELECTIONS; STELLA ANDERSON,)
in her official capacity as SECRETARY)
OF THE STATE BOARD OF)
ELECTIONS; JEFF CARMON, III, in)
his official capacity as MEMBER OF)
THE STATE BOARD OF)
ELECTIONS; KAREN BRINSON)
BELL, in her official capacity as)
EXECUTIVE DIRECTOR OF THE)
STATE BOARD OF ELECTIONS; and)
JOSH STEIN, in his official capacity as)
ATTORNEY GENERAL OF THE)
STATE OF NORTH CAROLINA,)

Defendants.)

1:20CV876

ORDER

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on November 4, 2020, was served on the parties in this action. Plaintiffs objected to the Recommendation and Defendants filed a response thereto. (*See* ECF Nos. 27, 28.)

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's recommendation.¹

IT IS THEREFORE ORDERED that Plaintiffs' Motion for Preliminary Injunction, (ECF No. 2), is DENIED and that North Carolina Attorney General Josh Stein is DISMISSED from this action.

This, the 15th day of January 2021.

/s/ Loretta C. Biggs
United States District Judge

¹ The Court notes that Plaintiffs filed a Motion to Amend their original Complaint after the Recommendation was entered. (*See* Docket Entry 29.) In pertinent part, the proposed amended Complaint expands its description of the statutory duties of the Attorney General (*see* Am. Compl. ¶ 21, Docket Entry 29-2). However, such duties were considered in the Recommendation; thus, the proposed amended pleading does not alter the Court's conclusion that the Attorney General should be dismissed for lack of standing.